IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

WP(C).No. 10317 of 2007(C)

PETITIONER:

V.V.MOHAMMED,S/O.VEERAN,AGED 61 YEARS,
VALIAKUDIPUTHENPURA,VALAMBOOR,PATTIMATTOM P.O.

BY ADV. SRI.P.DEEPAK

RESPONDENTS:
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1. ADDITIONAL DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND,
ERNAKULAM.

2. THE GOVERNMENT OF KERALA,REPRESENTED BY
ITS ADDITIONAL SECRETARY, LABOUR & REHABILITATION
DEPARTMENT, THIRUVANANTHAPRUAM.

R1 BY ADV. SRI.P.RAMAKRISHNAN, SC
GOVT. PLEADER, SMT.ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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W.P.(C).No. 10317 of 2007

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Dated this the 26th day of March, 2007.

JUDGMENT

Petitioner challenges Ext.P2-Government order. His complaint is that he was not heard. According to him notice of hearing for the date 18.8.2006 was served on him only on 18.8.2006. I have perused Ext.P2. Heard the learned counsel for the petitioner and the learned counsel for the 1st respondent. Technically, to finally decide this issue, it should be necessary to refer to the files of the government. But then, the reference to the final determination order and final appellate order would show that the petitioner deserves one more opportunity of being heard.

2. Under such circumstances the impugned Ext. P2 is set aside on condition that the petitioner remits an amount of Rs.25,000/- to the 1st respondent within a period of 3 weeks from now. If such remittance is made, the 2nd respondent will take up the appeal on which Ext. P2 order is issued, will afford to the petitioner an opportunity of being heard in accordance with law, and will issue a decision without delay.

The writ petition disposed of as above .

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

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